

**From:** [MacGregor, Janine](#)  
**To:** [Butler, Elizabeth](#)  
**Cc:** [Cozzi, Tom](#)  
**Subject:** RE: Fw: Scanned document from scans@scarincihollenbeck.com  
**Date:** Friday, July 13, 2012 12:06:10 PM

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Hi Elizabeth, look at the three emails below. I think there is a way around those obstacles that they don't want to take, and that their LSRP recommends. They are trying to maximize land space, which I understand, but it messes up the sediment part of the project, so I agree we need to talk. Suzanne Dietrick said she had not gotten anything on this in terms of permitting. Maybe it was someone else. Do you have the lot/block or official name, or can they give you the permit number that they refer to? I would like to see the permit and talk to permit writer before we discuss. Janine

. Developer

From: Kloo, Ken

Spoke with Rich Britton, the LSRP. Looks like Sherwin Williams prefers to move the wall in to avoid the obstacles encountered. Morris Companies and Ted Schwartz (developer) prefer to move out to maintain as much developable land as possible. Rich recognizes the sediment issue. Discussions are ongoing between the two parties.

From: MacGregor, Janine

Yes, I looked into it and unlike what we had thought (that they were moving wall further inland), EPA reported to me the Sherwin wants to move it further out into the river. I sent an email updating the folks involved. Tom and I have got to touch base with EPA on this, and I believe he is working on that. Janine

From: Kehayes, Stephen

Last I heard, they wanted to move in to avoid subsurface impediments. They may be exploring the option to push the wall into the river, but I have not heard directly from them on this. LSRP should know...

**From:** Elizabeth Butler [mailto:[Butler.Elizabeth@epamail.epa.gov](mailto:Butler.Elizabeth@epamail.epa.gov)]  
**Sent:** Friday, July 13, 2012 11:57 AM  
**To:** MacGregor, Janine  
**Cc:** Cozzi, Tom  
**Subject:** RE: Fw: Scanned document from scans@scarincihollenbeck.com

Hi Janine.

I'm not sure whether this is a he said, she said type of situation, but although Gordon's email said Morris was just "objecting" to installing the wall on the landside, Ted Schwartz and Mark Bava told me that they've encountered substructures which make it technically infeasible for them to build the wall on the landside. Again, according to Ted, they've already been issued all of the Corps and state permits to do this.

From my understanding, if they are indeed building the wall in the river, then the issues associated with that still seem to be unresolved. Ray told me he talked to Tom and that Tom agreed to dig into the details of where the wall is going to be built, how it's going to be installed and how any sediments within the Phase 2 footprint will be handled. I realize you all might be in a difficult situation since this is now an LSRP site, but although Sherwin Williams & Morris asked for EPA's opinions on things, we have none of

the details, and so further discussions should definitely be held so we can all get on the same page with this.

Thanks,  
Elizabeth

From: "MacGregor, Janine" <[Janine.MacGregor@dep.state.nj.us](mailto:Janine.MacGregor@dep.state.nj.us)>  
To: Elizabeth Butler/R2/USEPA/US@EPA  
Date: 07/05/2012 03:13 PM  
Subject: RE: Fw: Scanned document from [scans@scarincihollenbeck.com](mailto:scans@scarincihollenbeck.com)

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We don't have review and approval authority of the RAW anymore. Though they are required to submit it 60 days before construction begins.

What is fishy to me is, why is Morris "objecting" to install wall on landward side? Expedience? It throws you guys off kilter. Also, have they applied for appropriate permits and what are the PI numbers? Let me see if Suzanne got a permit app for this. Janine

**From:** Elizabeth Butler [<mailto:Butler.Elizabeth@epamail.epa.gov>]  
**Sent:** Thursday, July 05, 2012 2:55 PM  
**To:** MacGregor, Janine  
**Subject:** RE: Fw: Scanned document from [scans@scarincihollenbeck.com](mailto:scans@scarincihollenbeck.com)

Not me, but glad I asked. Let me know if you want me to set up a call or anything to discuss this more next week.

From: "MacGregor, Janine" <[Janine.MacGregor@dep.state.nj.us](mailto:Janine.MacGregor@dep.state.nj.us)>  
To: Elizabeth Butler/R2/USEPA/US@EPA  
Cc: Ray Basso/R2/USEPA/US@EPA, "Kehayes, Stephen" <[Stephen.Kehayes@dep.state.nj.us](mailto:Stephen.Kehayes@dep.state.nj.us)>, "Cozzi, Tom" <[Tom.Cozzi@dep.state.nj.us](mailto:Tom.Cozzi@dep.state.nj.us)>  
Date: 07/05/2012 01:50 PM  
Subject: RE: Fw: Scanned document from [scans@scarincihollenbeck.com](mailto:scans@scarincihollenbeck.com)

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Wow. Who has the revised Remedial Action Workplan??? Janine

**From:** Elizabeth Butler [<mailto:Butler.Elizabeth@epamail.epa.gov>]  
**Sent:** Thursday, July 05, 2012 1:33 PM  
**To:** MacGregor, Janine  
**Cc:** Ray Basso; Kehayes, Stephen; Cozzi, Tom  
**Subject:** RE: Fw: Scanned document from [scans@scarincihollenbeck.com](mailto:scans@scarincihollenbeck.com)

Hmm, well, something is off here then, since that's not what I was told by Mark Bava and the attorney Ted

Schwartz when they visited the site, and it's also not what I was informed of in an email from Gordon Kuntz. From both parties I was informed that they are intending to build a new wall in the river outside (further into the river) of their current bulkhead. They stated that they already have all of the Corps and DEP permits for this. I'm copying the email I received from Gordon below.

Elizabeth:

Regarding the former Sherwin-Williams site west of the Diamond facility, the remedy for the site requires that a barrier wall be installed. The original approach was to install the sheet wall on the landward side.

At this juncture, the Morris Company is objecting to installing the wall on the landward side. They report to us that Tierra Solutions is finished with their work and will no longer be obstructing the install of a combination barrier wall and bulkhead two ft on the rivers side of the current bulkhead. My question to EPA is there any issues with installing a sheet wall on the river side and how soon could this construction begin?

Please call me if you would like to discuss over the phone.

Thanks in advance for you consideration.

Gordon S. Kuntz, Ph.D.  
Senior Environmental Manager  
Remediation Services  
The Sherwin-Williams Company  
Phone (216) 566-2889  
Blackberry (216) 394-7963  
Fax (216) 263-8603  
Mobile (216) 577-1006  
Email [gskuntz@sherwin.com](mailto:gskuntz@sherwin.com)

From: "MacGregor, Janine" <[Janine.MacGregor@dep.state.nj.us](mailto:Janine.MacGregor@dep.state.nj.us)>  
To: Ray Basso/R2/USEPA/US@EPA, "Cozzi, Tom" <[Tom.Cozzi@dep.state.nj.us](mailto:Tom.Cozzi@dep.state.nj.us)>, Elizabeth Butler/R2/USEPA/US@EPA  
Cc: "Kehayes, Stephen" <[Stephen.Kehayes@dep.state.nj.us](mailto:Stephen.Kehayes@dep.state.nj.us)>  
Date: 07/05/2012 01:26 PM  
Subject: RE: Re: Fw: Scanned document from [scans@scarincihollenbeck.com](mailto:scans@scarincihollenbeck.com)

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When I asked Steve about this case he said: "Sherwin Williams is implementing the DEP approved RAW. They hit some subsurface structures, bulkhead footings, I believe, close to the bank. They asked about moving the wall back to avoid. My advice was that this was OK so long as the barrier wall & sentinel wells perform as designed." Just to be clear, from what Steve understands, the barrier wall is being moved INLAND, not outside (river-side) of the existing bulkhead wall. As such, it will not impact the Phase 2 box. This does result in more area/volume of upland site that those sentinel wells will be serving to monitor.

You guys should know, too, that Steve is no longer the case manager. This is an LSRP case,

so it is being handled by a licensed site remediation professional. Under this new program, we receive key documents (after the fact) and only review some that meet certain criteria. If you have any concerns, we'd be happy to meet, but you might want to get the details of the revised RAW from Mark Bava or their LSRP, Rob Gascoyne from Weston. Janine

**From:** Ray Basso [<mailto:Basso.Ray@epamail.epa.gov>]  
**Sent:** Friday, June 29, 2012 11:38 AM  
**To:** MacGregor, Janine; Cozzi, Tom  
**Subject:** Fw: Re: Fw: Scanned document from [scans@scarincihollenbeck.com](mailto:scans@scarincihollenbeck.com)

-----Forwarded by Ray Basso/R2/USEPA/US on 06/29/2012 11:36AM -----

To: Patricia Hick/R2/USEPA/US@EPA, Ray Basso/R2/USEPA/US@EPA  
From: Elizabeth Butler/R2/USEPA/US  
Date: 06/29/2012 11:33AM  
Subject: Re: Fw: Scanned document from [scans@scarincihollenbeck.com](mailto:scans@scarincihollenbeck.com)

I think we still need to reach out to Janine/Tom to make it clear to them that whatever "principal threat waste" sediments get trapped between the old and new bulkheads will obviously no longer be able to be removed by Tierra as part of Phase 2, in addition to the whatever sediments get trapped between their new wall and the sheetpile enclosure we'll need to build for Phase 2.

Patricia Hick---06/29/2012 11:03:40 AM----- Forwarded by Patricia Hick/R2/USEPA/US on 06/29/12 11:03 AM ----- From: "Theodore A. Schwartz"

From: Patricia Hick/R2/USEPA/US  
To: Elizabeth Butler/R2/USEPA/US@EPA  
Date: 06/29/2012 11:03 AM  
Subject: Fw: Scanned document from [scans@scarincihollenbeck.com](mailto:scans@scarincihollenbeck.com)

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----- Forwarded by Patricia Hick/R2/USEPA/US on 06/29/12 11:03 AM -----

From: "Theodore A. Schwartz" <[TSchwartz@scarincihollenbeck.com](mailto:TSchwartz@scarincihollenbeck.com)>  
To: Patricia Hick/R2/USEPA/US@EPA  
Cc: <[mbava@morriscompanies.com](mailto:mbava@morriscompanies.com)>, Ray Basso/R2/USEPA/US@EPA  
Date: 06/29/12 10:56 AM  
Subject: RE: FW: Scanned document from [scans@scarincihollenbeck.com](mailto:scans@scarincihollenbeck.com)

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We are not removing sediments in our project -placing sheet piling next to existing bulkhead. There is no excavation work. We are driving sheet piling with on land equipment

Sent via the Samsung Galaxy S™ II Skyrocket™, an AT&T 4G LTE smartphone.

----- Original message -----

Subject: RE: FW: Scanned document from [scans@scarincihollenbeck.com](mailto:scans@scarincihollenbeck.com)  
From: Patricia Hick <[Hick.Patricia@epamail.epa.gov](mailto:Hick.Patricia@epamail.epa.gov)>  
To: "Theodore A. Schwartz" <[TSchwartz@scarincihollenbeck.com](mailto:TSchwartz@scarincihollenbeck.com)>  
CC: Mark Bava <[mbava@morriscompanies.com](mailto:mbava@morriscompanies.com)>, Ray Basso <[Basso.Ray@epamail.epa.gov](mailto:Basso.Ray@epamail.epa.gov)>

Ted:

I spoke to our technical office and it appears that the sheetpile from the Phase I removal action should be out of the River by late October/early November.

In that conversation, there was a question about the design of the potential bulkhead being constructed for your client and particularly any information about the removal and disposition of any sediments during that process. We assume that you will be having conversations with the State of New Jersey about this. Our technical office will be contacting their state counterparts about any sediment removal and disposal related to the bulkhead construction. Because the bulkhead area is within the Phase II removal area for the Superfund Site, please copy us on any correspondence relating to the sediment removal and disposal.

Please contact me if you have any questions. Thanks.

Pat

Patricia C. Hick, Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region II  
Office of Regional Counsel  
290 Broadway, 17th Floor  
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From: "Theodore A. Schwartz" <[TSchwartz@scarincihollenbeck.com](mailto:TSchwartz@scarincihollenbeck.com)>  
To: Patricia Hick/R2/USEPA/US@EPA  
Cc: "Mark Bava" <[mbava@morriscompanies.com](mailto:mbava@morriscompanies.com)>  
Date: 06/13/12 12:03 PM  
Subject: RE: FW: Scanned document from  
[scans@scarincihollenbeck.com](mailto:scans@scarincihollenbeck.com)

Thanks?do you have an idea when you expect to hear back?the only reason I ask is that we are trying to schedule out shipment of the materials and a contractor start date with the overall on going site preparatory activities

THEODORE A. SCHWARTZ | Partner  
Scarinci Holle

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This Email message contained an attachment named image001.jpg which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

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receiving the revised Email, containing the renamed attachment,  
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rename the file extension to its correct name.

For further information, please contact the EPA Call Center at  
(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED  
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